

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER BROWN,	:	
	:	
Plaintiff,	:	No. 07 CV 5782 (DLC DCF)
	:	
-against-	:	<b>ANSWER TO CROSS-CLAIMS</b>
	:	<b>OF DEFENDANT CENTURY 21</b>
MAYORE ESTATES LLC,	:	<b>DEPARTMENT STORES LLC</b>
A New York Limited Liability Company and	:	
CENTURY 21 DEPARTMENT STORES LLC,	:	
A New York Limited Liability Company,	:	
	:	
Defendants.	:	

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Defendant Mayore Estates LLC ("Mayore"), by and through its undersigned Counsel, Martin Kurlander, hereby files its Answer and Affirmative Defenses to co-Defendant's Century 21 Department Stores LLC ("co-Defendant" or "Century 21") Cross-Claims and states as follows:

1. This Defendant denies each and every allegation in Defendant Century 21's answer and cross-claim denominated First Affirmative Defense, Second Affirmative Defense, Third Affirmative Defense and Fourth Affirmative Defense as contained in paragraphs numbered 1 through 12 of Century 21's answer to cross-claims.
2. Admits co-Defendant Mayore Estates LLC is one of the owners of the building known as 22 Cortlandt Street, New York, New York as alleged in paragraph 13 of the Cross-Claim.
3. Denies each and every allegation contained in paragraph 14 of the Cross-Claims.
4. Denies each and every allegation contained in paragraph 15 of the Cross-Claims.
5. Denies each and every allegation contained in paragraph 16 of the Cross-Claims.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

6. The Cross-Claims fail, in whole or in part, to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

7. The Cross-Claims are barred, in whole or in part, by the applicable statutes of limitation.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

8. Upon information and belief, Mayore Estates LLC is not a public accommodation within the meaning of Title III of the ADA.


**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

9. Upon information and belief, a necessary party to this cross-claim, to wit, the other co-owner of premises 22 Cortlandt Street, New York, New York has not been made party herein.

10. By reason of the foregoing, the cross-claim herein must be dismissed.

WHEREFORE, Defendant Mayore demands judgment dismissing the Cross-Claims with prejudice, and further demands judgment against co-Defendant Century 21 on its cross-claims, together with attorneys' fees and costs and disbursements in this action, as well as any such other relief as the Court deems just and proper.

Dated: Brooklyn, New York  
November 1, 2007

  
MARTIN KURLANDER, ESQ.  
Attorney for co-Defendant  
Mayore Estates LLC  
32 Court Street  
Brooklyn, New York 11201  
Tel. (718) 246-9060  
Fax (718) 852-6400

TO: PROSKAUER ROSE LLP  
Attorneys for co-Defendant  
Century 21 Department Stores LLC  
1585 Broadway  
New York, New York 10036  
Tel. (212) 969-3000  
Fax (212) 969-2900

KU & MUSSMAN, P.A.  
Attorneys for Plaintiff  
176 Route 304, 2nd Floor  
Bardonia, New York 10954  
Attn: J. Justin Griffin, Esq.  
Tel. (845) 623-8071

Affidavit of Service by Mail

STATE OF NEW YORK       )  
                                      : ss.:  
COUNTY OF KINGS       )

I, Carolyn St. John, being duly sworn, say:

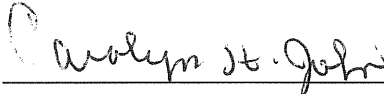
I am not a party to the action, am over 18 years of age and reside at 32 Court Street, Brooklyn, New York 11201.

On November 1, 2007, I served the within Answer to Cross-Claims of Defendant Century 21 Department Stores by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to the following person at the last known address set forth below:

Proskauer Rose LLP  
1585 Broadway  
New York, New York 10036  
Attorneys for co-Defendant  
Century 21 Department Stores LLC

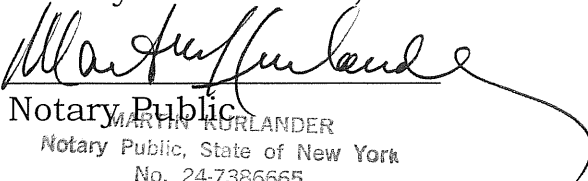
and

Ku & Mussman, P.A.  
Attorney for Plaintiff  
176 Route 304, 2nd Floor  
Bardonia, New York 10954

  
\_\_\_\_\_  
Carolyn St. John

Sworn to before me on the

1st day of November, 2007

  
\_\_\_\_\_  
Notary Public  
MARTIN KURLANDER  
Notary Public, State of New York  
No. 24-7386665  
Qualified in Kings County  
Comm. expires OCT. 31, 2010

Case No. 07 CV 5782 (DLC DCF)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER E. BROWN,  
an individual,

Plaintiff,

-against-

MAYORE ESTATES LLC,  
A New York Limited Liability Company and  
CENTURY 21 DEPARTMENT STORES LLC,  
A New York Limited Liability Company,

Defendants.

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ANSWER TO CROSS-CLAIMS OF  
DEFENDANT CENTURY 21 DEPARTMENT STORES, LLC

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MARTIN KURLANDER, ESQ.  
*Attorney for co-Defendant  
Mayore Estates LLC*  
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